

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 1688 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

Whether this case involves a substantial question
of law as to the interpretation of the
4 constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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STATE OF GUJARAT - Petitioner(s)
Versus
J D PATEL & 1 - Respondent(s)

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Appearance :

MS MAITHILI MEHTA, ASST. GOVERNMENT PLEADER for Petitioner(s) : 1,
MR KANTILAL M SHAH for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 13/12/2006

ORAL JUDGMENT

1.By way of this petition under Articles 226 and 227 of
the Constitution of India, the petitioner – State of
Gujarat has challenged the interim order/stay granted

by the Gujarat Civil Services Tribunal dated 17.10.1996 in Appeal No. 242 of 1996.

2.It is to be noted that during the pendency of the present Special Civil Application, the learned Single Judge of this Court has granted ad-interim relief in terms of paragraph – 11 (C) i.e. impugned stay order granted by the tribunal has been suspended and the same is in operation till date.

3.In view of the fact that the present petition is against the interlocutory order and the said interim order has been stayed by this Court and the suspension continued since last 9 years, the present Special Civil Application is disposed of without entering into the larger question of merits with a direction to the Gujarat Civil Services Tribunal to decide and dispose of the Appeal No. 242 of 1996 as early as possible preferably within a period of 6 months from the date of receipt of this order, if not decided and disposed of so far, and the ad-interim relief granted earlier is directed to be continued till final disposal of the aforesaid Appeal. If the Appeal has already been decided and disposed of by the Tribunal, this order

would not survive. However, it is made clear that this Court has not expressed any opinion on the merits of the case in favour of either parties and it is, ultimately, for the tribunal to decide and dispose of the Appeal on merits in accordance with law.

4. With these, the present Special Civil Application is disposed of. Rule is discharged. No costs.

[M.R.SHAH, J.]

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